

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

CHRISTOPHER W. STEWART,

.....
Alleged Debtor.

Case No. 07-11414-RGM
(Chapter 7)

MEMORANDUM OPINION

THIS CASE is set for trial on March 14, 2008. The parties filed their witness lists pursuant to the pre-trial order . The court notes that Nelson Deckelbaum is listed as a witness for Christopher Stewart while Kermit A. Rosenberg is listed as a witness for Metalmark Northwest, LLC. Both are counsel for the party seeking to call them as witnesses.

The court brings to counsel's attention Rule 3.7 of the Virginia Rules of Professional Conduct which provides:

- (a) A lawyer shall not act as an advocate in an adversarial proceeding in which the lawyer is likely to be a necessary witness except where:
 - (1) the testimony relates to an uncontested issue;
 - (2) the testimony relates to the nature and value of legal services rendered in the case; or
 - (3) disqualification of the lawyer would work substantial hardship on the client.
- (b) If, after undertaking employment in contemplated or pending litigation, a lawyer learns or it is obvious that the lawyer may be called as a witness other than on behalf of the client, the lawyer may continue the representation until it is apparent that the testimony is or may be prejudicial to the client.
- (c) A lawyer may act as advocate in an adversarial proceeding in which another lawyer in the lawyer's firm is likely to be called as witness unless precluded from doing so by Rule 1.7 or 1.9.

Alexandria, Virginia
March 12, 2008

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

Copy electronically to:

Stephen W. Nichols
Kermit A. Rosenberg

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